

## REMARKS

The Office Action mailed March 16, 2009 has been reviewed and reconsideration of the above-identified application in view of the following amendments and remarks is respectfully requested

Claims 1-12 are pending and stand rejected.

Claims 1, 6 and 11 are independent claims.

Claims 1 and 6 have been amended.

Claims 1 and 6 stand rejected under 35 USC 102(b) as being anticipated by Lutter (USPPA 2002/0198653). Claims 2-4 stand rejected under 35 USC 103(a) as being unpatentable over Lutter in view of Aizono (USP no.7,010,583). Claims 5, 11 and 12 stand rejected under 35 USC 103(a) as being unpatentable over Lutter in view of Akutsu (USP no. 5, 987,374). Claims 6-10 stand rejected for reasons similar to those of claims 1-5.

With regard to the rejection of claims 1 and 6 under 35 USC 102(b) as being anticipated by Lutter (USPPA 2002/0198653), applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in order to advance the prosecution of this matter, claims 1 and 6 have been amended to clarify the processing being performed on the received messages. More specifically, the claims 1 and 6 have been amended to further recite searching for incomplete or duplicate message, wherein incomplete messages are discarded and only a last one of said duplicate messages is stored. In addition the new messages are based on a prognosis of information contained in said stored messages. No new matter has been added. Support for the amendment may be found at least on page 5, lines 31-33, on page 7, lines 7-12, and on page 8, lines 11-15.

Lutter discloses a method and apparatus for multi-vehicle communication wherein a message identifier is compared with information associated with a vehicle and when the message identifier and the vehicle information correspond, the message is reported to the vehicle operator. The message may further be transmitted (i.e., relayed) to other vehicles within the range of the vehicle.

Lutter discloses a portal 18, which operates as a central communication system that provides communication with vehicles within the transmission area of the portal. Messages that are transmitted to a vehicle is identified by the message identifier and if the identifier fails to match the identifier associated with the vehicle, the message is either discarded or stored (see para. 21). Stored messages may be periodically retransmitted to other vehicles (see para. 22). Stored messages are deleted after a preconfigured time period (see para. 22).

In this aspect of the teachings of Lutter, the communication system is directed to a relay-type system which either accepts messages based on the identification codes or retransmits the messages. Lutter fails to disclose the generation of new messages based on the stored messages.

In another aspect (see para. 24), Lutter discloses an example of processing wherein a message 48 contains information regarding a road condition including a location identifier identifying where the road condition is located. The vehicle initiating the message, broadcasts the message to any vehicle or portal within the local vicinity. . For example, the message may be received by a Department of Transportation portal 18 and also received by a following vehicle. The DOT portal can send maintenance or emergency personnel to the location identified in the message. The message received in the second or following vehicle may also be provided to the vehicle operator in case of a warning message and also relay the message to other portals and to other vehicles.

In this aspect, Lutter again discloses a relay-type communication system between vehicles that may be used to provide information to vehicles independent of the vehicle identification.

However, Lutter fails to provide any teaching regarding the specific processing of the incoming messages such that incomplete or duplicate messages are removed and only a last one of the duplicate messages is retained. In addition, Lutter fails to disclose generating a new message based on stored messages, as is recited in the claims. .

Even if it could be said that the generation of the message to the DOT, which generates a message to the crews to repair the condition, is comparable to the new

message recited in the claims, Lutter fails to disclose that the message generated by the DOT is within the stationary unit, as is recited in the claims.

In fact, there is no teaching that the DOT unit, disclosed by Lutter, provides a new message but only that the DOT unit may transmit this information to a crew for repair. This message could be the original message.

A claim is anticipated if and only if each and every element is recited in a single prior art reference.

In this case, Lutter cannot be said to anticipate the subject matter recited in claims 1 and 6, as Lutter fails to disclose at least one material element recited in these claims.

With regard to the remaining claims, these claims depend from the independent claims and none of the additionally cited references provides any teaching regarding processing the incoming messages in a manner as is recited in the independent claims (i.e., incomplete messages are discarded and retaining only the last one of duplicate messages or that the new messages are based on a prognosis of information contained in said stored messages.). Hence, these remaining claims are also allowable by virtue of their dependency upon an allowable base claim.

For the amendments made to the claims and the remarks made herein, applicant submits that all the claims are in allowable for and respectfully requests that a Notice of Allowance be issued.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,  
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Date: May 4, 2009

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